THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.13242 OF 2007

DATED: 09-07-2007

BETWEEN

I. Srinivasa Rao,
S/o. Satyanarayana,
Occ: Advocate,
R/o.47-7-2,
Tadichetlapalem,
Visakhapatnam,
Visakhapatnam District.

...PETITIONER

AND

The Commissioner of Police,
Visakhapatnam and others.

...RESPONDENTS

ORDER:

Petitioner submits that he is a practicing advocate and with regard to domestic differences, his wife – fourth respondent lodged a complaint, based on which, a case in Cr.No.426 of 2005 was registered for the offence under Section 498-A of the Indian Penal Code on the file of P.S. II Town L & O Police Station, Visakhapatnam. He further submits that with reference to the said crime investigation was completed and charge has been filed, which is numbered as C.C.No.342 of 2006 and the same is pending trial on the file of the

I Additional Chief Metropolitan Magistrate, Visakhapatnam and the case is posted to 31.07.2007.

2. Counter has been filed stating that apart from the aforesaid case,

basing on an another complaint filed by the fourth respondent/wife of the petitioner filed on 01.05.2007, another case in Cr.No.273 of 2007 was registered under Sections 3232, 509 and 506 of the IPC and investigation is being taken up by the Sub Inspector of Police – Sri R.S.K. Konda. It is stated that except taking steps to investigate the said crime, the personal life and liberty of the petitioner was not at all interfered with. It is further stated that as the petitioner, the fourth respondent, one Malapureddy Hanumantha Rao and three others were causing disturbance to public tranquility and causing breach of peace, a suo moto case in Cr.No.320 of 2007 was registered under Section 107 of the Code of Criminal Procedure requesting the Revenue Divisional Officer, to summon both parties and bound over them for good behaviour and the same is pending. The other allegation that the petitioner was called to the police station and he was detained wrongfully was denied.

3. In view of the aforesaid facts and circumstances of the case and as two cases apart from a bound over case are pending, it cannot be said that the police is illegally interfering with the life and liberty of the petitioner. However, if there is any illegal interference by the police,
it is always open to the petitioner to make a representation before the superior officers for appropriate relief. I am of the opinion that the aforesaid disputed questions of fact cannot be decided in a writ petition.

The writ petition is accordingly dismissed. There shall be no order as to costs.

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V. ESWARAIAH, J

July 9, 2007
DSK